

ODELL GUARD WINS A VICTORY

GETS A FRANCHISE RENEWED SO SOME ONE CAN SELL IT.

Leaders of the House Who Had Declared Against This Policy Outvoted—Wade, Rogers and Merritt Lead the Fight—Sneers for Reform—Democrats Help.

ALBANY, March 20.—The Odell guard has won out in its first legislative battle for Odell and the preservation of a corporation. For the first time this session they were called upon to battle with the new leaders of the Assembly, and corporate influence was too much for them. It was over a bill to renew the franchise of an electric railroad in Dutchess county that was never built.

With such high minded public servants as Assemblymen Wade of Chautauque, Rogers, Odell's Broome county lieutenant; Merritt of St. Lawrence, the defeated candidate for Speaker, and Phillips, who was obliged to be for the new deal, working openly in the interests of a bill extending the life of the franchise, the bill was passed through by 70 votes in the affirmative, just enough to pass it. It was not until a roll call of absentees was ordered that the Odell guard did its work. Then Messrs. Rogers, Phillips, Yale and Merritt, as well as the introducer of the bill, A. B. Gray, circulated among the members trying to get the necessary votes. They managed to get four members to change their votes from the negative to the affirmative, and in this manner the bill was passed.

Rogers was unable to deliver anything but his own vote. He undertook the task of getting Assemblyman West of Wyoming to change, and labored long and earnestly with him, but Mr. West didn't change. It was significant that the first lineup came on the arrival of Mr. Odell's lieutenant and field marshal, Cal McKnight, in this city. Another significant fact is that every member who voted against the bill was a Democrat.

The bill has caused more of a scandal than any other measure that has come before the lower house this year. While the measure in itself is of little importance, it shows the temper of the House regarding corporations when there is something doing. Deputy State Superintendent of Insurance Robert Hunter and some other Dutchess county politicians twelve years ago secured a franchise to build an electric railroad from Rhinecliff to Rhinebeck. The road was never built and the franchise expires this year. There is a report that somebody has been found who will buy the franchise and build the road if the franchise is kept alive.

Early in the session Assemblyman Percy Hooker of Genesee county, chairman of the Assembly Railroads Committee, announced that it would be his policy to oppose extending any of these franchise grants of years ago. Mr. Hunter, however, used his personal influence on the members of the Assembly Railroads Committee, and as a result the bill was reported to the Assembly by a vote of seven to five. Today it was indicated in the speeches of Majority Leader Moreland and Assemblyman Hooker that the policy of the new leaders was the one outlined by Mr. Hooker. But the old guard refused to surrender to reform.

Assemblyman Wade in his speech in favor of the bill said that he was not worried by the wave of reform that is spreading over the country and declared he thought it would pass away. He also charged that the Legislature was beset with more foolish propositions from the people than ever before.

Mr. Rogers also declared that he was not going to be taken up in the reform cloud, and he spoke sarcastically about the new keepers of consciences in the Assembly at present. Mr. Rogers is known to have sold the Odell banner in Broome county in an effort to defeat Col. George W. Dunn and to return to the Assembly next year. Mr. Rogers is known to have sold this by riding in the wave of popular approval in Binghamton over the escape of ex-Senator George E. Green from conviction in connection with the postal scandal. Rogers is a political protégé of Green. Mr. Green's friends have intimated to Mr. Rogers and his Odell allies, however, that to much capital should be expended in an effort to be made out of Mr. Green's escape from the clutches of the jurisdiction of the Federal Government, in view of the fact that one of the most important indictments in connection with the postal scandal growing out of the sale of Doremus stamp cancelling machines remains undischarged. Mr. Moreland stated that the proposition was whether the people shall indulge in the same kind of franchise giving to-day as they did thirteen years ago. He declared the franchise were the property of the people, and not of the locality, and could not be grabbed for speculative purposes or for monopoly designs. It was time to determine what the policy of the State should be in this matter.

The speakers in favor of the bill urged it as a local bill, but when the vote was being taken it was not the introducer who showed the interest in its passage so much as did Messrs. Rogers, Merritt, Yale and Phillips. All of the older members who could be counted upon to be with any measure in favor of the corporations voted for the bill, and they also managed to get enough Democratic votes to help them out.

AMBER LAW NOT VALID.

Court of Appeals Sustains Decision That It Is Unconstitutional.

ALBANY, March 20.—The decision of the Appellate Division of the Supreme Court declaring unconstitutional the so-called Amber Special Hotel Excise law was today affirmed by the Court of Appeals. That law sought to apply to liquor tax certificates already issued the provisions of a general statute enacted by the Legislature last year requiring hotels in New York city to comply with the building laws in order to obtain a hotel certificate. The law became operative on January 1, and the decision of the Court of Appeals is important only in the limitation which it places on the Legislature to enact legislation of this character.

Albany Methodists for Cassidy-Lansing Bill.

ALBANY, March 20.—The Albany District Methodist Conference, representing fifty churches and a membership of 10,000 in and about Albany, today unanimously adopted resolutions in support of the Cassidy-Lansing anti-gambling bill. The meeting was held in the First Methodist Episcopal Church and was presided over by Dr. E. P. Stevens, Presiding Elder, and an address was made by the Rev. A. S. Gregg, in which he explained the bill.

Trust Companies' Reserve Bill Passed.

ALBANY, March 20.—After an extended debate the Assembly today passed Assemblyman Wainwright's bill compelling trust companies to maintain a reserve fund the same as State banks. Assemblyman LaFetra endeavored to have the bill amended so that the companies be permitted to use municipal bonds for the reserve fund. The amendment was defeated.

Bill to Sell Subway Bonds at 4 Per Cent.

ALBANY, March 20.—New York city subway bonds may be sold upon a 4 per cent. instead of a 5 per cent. rate, if a bill introduced by Senator McCarran today is passed.

SEASIDE BILL AMENDED.

Mayor's Measure to Establish a Colony for Poor and Sick Badly Crippled.

ALBANY, March 20.—Mayor McClellan's bill providing for a seaside colony for the sick poor and convalescents of New York city when reached on the second reading calendar in the Assembly today was amended by the committee on the bill.

The committee knew that some heed must be paid to the demands of New York city for a colony of this kind and did some straddling. As a sop to the people of Nassau county, who oppose the bill, they amended the Mayor's bill so that the city is empowered to spend only \$1,500,000, instead of \$2,500,000, as the bill at first provided. Grave doubts are entertained as to whether anything can be accomplished with \$1,500,000. This, it is thought, will be insufficient to even acquire the site necessary for the colony, and subsequent legislation will have to be secured to permit of the erection of buildings.

Representatives of the New York city administration said that the bill, as it now stands, is worse than no bill at all. It permits the starting but not the completion of the philanthropic object aimed at.

RACING RECEIPTS BILL.

Measure to Increase Share of Agricultural Societies Advanced in Senate.

ALBANY, March 20.—The farmer intends to profit by the strife between the race tracks and the ministers over the effort of the clergymen throughout the State to have the Legislature enact the Cassidy-Lansing bill, prohibiting bets on horse races. It developed to-night that the opposition to the bill was copper riveted through the intimidation of the representatives of the racing associations that the percentage of gross receipts of the racing associations paid each year to the agricultural societies would be increased.

Accordingly, the representatives of agricultural societies here at once had Senator Coughlin introduce a bill increasing the percentage from five to eight of the gross receipts, and to-day the bill was reported favorably in the Senate and ordered to a third reading. The five per cent. now amounts to \$200,000 a year. Joseph Auerbach, on behalf of the Jockey Club, was here to-day in conference with the representatives of the agricultural societies and demurred to such a big increase as 8 per cent., which would amount to over \$100,000 a year. The matter is still in dispute, with the representatives of honest farmers refusing to accept less.

PUBLIC CRITICISM TELLS.

Senator L'Honnemieu Shows It by Having a Niagara Falls Bill Killed.

ALBANY, March 20.—Senator L'Honnemieu to-day plainly gave evidence that newspaper criticism is unpleasant to statesmen. He became angry over the published charges that he was endeavoring to perpetuate a Niagara Falls power monopoly by repealing the charter of several smaller companies, leaving only two companies the right to generate power from the waters of the Niagara River. He said in the Senate to-day that he had been criticized for introducing bills increasing the number of power companies which could generate power, and now, when he tried to limit the amount of water that could be taken for power purposes, he was also criticized.

"I don't propose to be ground between the upper and nether millstones," he said, "and I therefore move that the enacting clause of the bill be stricken out."

His request was acceded to by the Senate without comment and the bill was killed.

NEW MORTGAGE TAX BILL.

Five Mills Recording Fee Proposed Instead of Annual Tax.

ALBANY, March 20.—The Assembly Taxation Committee has reported favorably the bill of Assemblyman Dowling (Rep., Kings), which amends the present mortgage tax law by substituting a five mill recording tax for the present five mill annual tax on mortgages.

This action is taken to indicate that the bill will pass the Legislature and be approved in the executive chamber. Gov. Higgins has not announced his position in regard to the matter, but in his annual message to the Legislature he asked that the question be considered carefully. In view of the amount that the stock transfer tax is raising annually it is not believed that the loss resulting from the repeal of the mortgage tax law and the substitution of a recording fee will be felt.

HEARST RECOUNT BILL SLEEPS.

Assembly Committee Has Not Yet Taken Action on the Matter.

ALBANY, March 20.—The matter of the Hearst recount bill is still unsettled. It was expected that at to-day's session of the Assembly Judiciary Committee the bill would be moved for reporting to the Assembly. But no executive session was held, but the committee did not go into executive session.

Assemblyman Murphy says that he believes the bill will be reported by the Assembly Committee. It is said that both Speaker Wadsworth and Majority Leader Moreland are in favor of the bill. Last week they were still undecided regarding the matter.

Republican politicians here who know the game insist that Mr. Hearst as a martyr Independent Democratic candidate for Governor next fall would help the Republican State ticket. They cannot understand the political acumen which caused Gov. Higgins to send for Speaker Wadsworth recently and tell him to see that the Hearst recount bill was passed in the Assembly.

To-day Chairman Grattan of the Privileges and Elections Committee made a report to the Assembly in regard to the contest made by George S. Hush, the Municipal Ownership candidate for Assembly, against the seating of John T. Hagleton from the Third Manhattan district. Hush loses.

This is the first time in the history of the Assembly that a report has been made in a contest prior to the closing day of the session, when the report is received as a matter of course.

The Hearst men also wanted the contest for the Assembly to have some bearing on the Majority dispute, but Chairman Grattan refused to permit them to go into any of the details of the contest. The contest is over 100 witnesses were examined and the election captains of each district were called upon to give testimony. The committee found that whatever discrepancies there were between the tally sheets and the void ballots, Hagleton had suffered, so that the contest was decided in favor of Hush by about eight votes rather than permitted Hush to gain.

Assembly Passes Anti-Docking Bill.

ALBANY, March 20.—By a vote of 91 yeas to 17 noes the Assembly today passed the Averill bill to prohibit the docking of houses in this State. This bill has been before the Legislature three years in succession, and this is the first time it has received favorable consideration in either house. Last session Speaker Wadsworth, then a plain member, was influential in defeating the bill.

PIERCE ILL; HADLEY BALKED.

CALLS FOR ASSEMBLY SECRETARY, BUT LEARNS LITTLE.

Charles M. Adams of Waters-Pierce Concern Unable to Remember Many Things and Uninformed Concerning Relations With Standard or Its Share of Profits.

ST. LOUIS, March 20.—H. Clay Pierce failed to put in an appearance at the Standard Oil investigation this morning.

His attorneys stated that he was too ill to appear and offered a certificate from Dr. Young H. Bond in support of this statement. Attorney-General Hadley would not accept this, but demanded that the physician appear before the Commissioner and, under oath, answer such questions as to his patient's health as might be propounded.

Dr. Bond appeared, was sworn and testified that Mr. Pierce is threatened with pneumonia, and that he cannot safely attend the hearing. He said that he had been with Mr. Pierce about half an hour this morning in response to questions by Attorney-General Hadley as to the seriousness of Mr. Pierce's illness. Dr. Bond, representing an inference that the ailment was being exaggerated, said:

"I would not give any advice that would compromise the life of a patient. In such a case as this it is natural to suspect collusion, but I would not be a party to anything of the kind, and I am very sure Mr. Pierce would not."

Dr. Bond said that he had been Mr. Pierce's family doctor for twenty or thirty years.

"Mr. Pierce is almost voiceless," he declared, "from tonsillitis plus laryngitis. His condition is such as precedes pneumonia, and necessitates his confinement in one room."

In the absence of Mr. Pierce the hearing was resumed with Charles M. Adams, secretary and treasurer of the Waters-Pierce Oil Company, as the witness.

Questions regarding the ownership of the Waters-Pierce stock were first at Adams' stand. He said that he was not a shareholder. He was asked whether the Standard Oil owned shares of Waters-Pierce since May 29, 1900. He pleaded ignorance on that point, as he did not know the proprietorship of Waters-Pierce at the time of the old company's incorporation in 1900.

His answers to vital questions generally were: "I can't recall," or "I don't remember."

"Do you know who were the shareholders of the Waters-Pierce company when the reincorporation was effected?"

"Mr. Pierce owned 3,990 shares."

"Has he still?"

"I don't know."

At the afternoon hearing Attorney-General Hadley brought forth a connection between the Standard Oil Company and the Waters-Pierce Oil Company.

Secretary-Treasurer Adams of the Waters-Pierce company reappeared with the stock book of the reincorporated Waters-Pierce company, and it was proved by reading the book that the Standard Oil Company of New Jersey in 1900 held as much stock of the old concern as M. M. Van Buren of Ardmore held in the Waters-Pierce company of the present day.

The exact number of shares held by Mr. Van Buren is 2,747, which is the total number of shares of stock of the company is 4,000.

These shares were first acquired by the trustees of the Standard Oil Trust June 22, 1882, and the Standard Oil Company of New Jersey in 1900 was increased from 100,000 to 400,000, and constituted a majority interest.

When the old Waters-Pierce company was dissolved in June, 1904, the same 2,747 shares were transferred to M. M. Van Buren. Mr. Hadley endeavored to show that these shares are still held by Van Buren for the Standard Oil Company. He asked Mr. Adams whether the dividends declared on these shares were not divided proportionately among stockholders of the Standard Oil Company, particularly H. M. Telford.

Adams pleaded ignorance of what became of the money after payment of dividends had been made.

A receipt for \$99,850 that had been paid to H. Clay Pierce on his stock in the Waters-Pierce company was then shown to Mr. Adams, with the request that he tell, if he could, what part of the sum had gone to the Standard Oil Company as its share of earnings on stock in the latter concern.

Mr. Adams denied any knowledge of what Mr. Pierce did with the money paid to him. He introduced a summary showing in abbreviated form the various holdings of stock with the members of the stock. The summary was composed of the names and was signed by Mr. Hadley in questioning the witness.

This afternoon Mr. Hadley telegraphed Secretary of State Bryan asking him not to permit the voluntary withdrawal of the Republic Oil Company from the State, as such a course would defeat the purposes of the investigation.

THREE LYE IN HER RIVAL'S FACE

Fannie Fitzgerald Puts on Her Brother's Clothes as a Disguise.

Lucy Hubbard, a colored servant in a boarding house at 187 Columbia Heights, was walking along Pierpont street, Brooklyn, last night, when a colored man, as she supposed, stepped up and threw the contents of a can containing a strong solution of lye in her face. Lucy screamed with pain and fell down. Then the colored man took to his heels.

Policeman Freely heard the woman's screams and chased her assailant. He caught the latter after a chase and discovered to his astonishment that it wasn't a man at all, but another colored woman dressed up in men's clothes. She was Fannie Fitzgerald, a cook in a boarding house at 185 Columbia Heights. Fannie's husband, Sam, works in the same house with Lucy, and Fannie became jealous. This morning she threw the lye in Lucy's face. Lucy will recover, but she may be blind. Fannie was locked up in the Adams street station, charged with assault and with wearing male attire. She told the police that the clothes were her brother's, and that she had got them out of pawn in the afternoon.

TO SAVE NIAGARA FALLS.

Bill Recommended to Limit Water Supply to Power Companies.

ALBANY, March 20.—Unless legislation is enacted to prevent the diversion of water from the Niagara River for power purposes there is grave danger of the channel on the American side of the falls running dry. This was the statement made before the Assembly Judiciary Committee this afternoon by State Geologist Stuart Clark.

Mr. Clark, with Commissioner Porter of the Niagara Reservation and Edward H. Hall of the American Scenic Association, appeared before the committee for the purpose of securing the cooperation of the Cox and Fowler bills, which seek to protect the Falls from the encroachment of the power companies. Mr. Fowler's bill proposes to reserve as the one that will act at once to relieve matters, while the Cox bill is an amendment to the Constitution and it will take some years before it can become effective. The Fowler bill limits the existing corporations to the use of the amount of water they are now using, and if they should exceed the amount after the passage of the act they will forfeit their charters.

Carnegie Aids a Woman's College.

HAMILTON, Ohio, March 20.—President Johnson of the Western College for Women, created much joy today by announcing that Andrew Carnegie had offered \$50,000 to complete the \$250,000 endowment fund now being raised by the college. The offer will be accepted and the girl students will celebrate.

SPANIEL SAVED THE SILVER.

Burglars Put to Flight at Augustine J. Smith's House on Lexington Ave.

Burglars who entered early yesterday morning the house of Augustine J. Smith, a broker, living at 222 Lexington avenue, were careful to cut all the telephone wires in the house before going to work. But they didn't reckon on the wireless bark of Mr. Smith's clever young cocker spaniel, a dog with a fine nose for burglars and plenty of sand to back it up.

The burglars—there were two of them—unhooked the swinging ladder of a fire escape next door and climbed by it to a rear window of the first floor of Mr. Smith's house. In addition to cutting the wires they unbolts and opened the front door, leaving a clear line of retreat. Then they collected the silver and valuable trinkets and arranged it in piles for convenient packing.

Next they started to clean up the valuables on the second floor and then the spaniel's bark got to work. Mr. Smith awoke to see two large men backing away from a very lively dog who was doing his best to connect with their trousers. When Mr. Smith jumped out of bed the burglars didn't stop even for a parting kick at the dog, but ran downstairs and out the front door. When Mr. Smith tried to call up Police Headquarters to tell about his visitors he did a little gentle coaxing at the telephone service wires he discovered the severed wires. Later he found the neatly arranged bundles of silver on the first floor and promised the faithful spaniel the choicest bone in town. He estimated that the silver and bric-a-brac abandoned by the thieves are worth several thousand dollars.

The room which the men entered is the sleeping apartment of Mr. Smith's six-year-old daughter Ethel. The child was awakened by the passage of the men through her room, but not enough to realize that she was in the house. The strange thing carried away by the burglars was a stickpin valued at about \$50.

ROBBED STORE'S CUSTOMERS.

Police Say Delivery Boy Confessed to New Scheme of Plunder.

Herman Gorman, 17, and James Hussey, 19, who said they lived at the Boy's Lodging House, 225 West Fifty-fifth street, were locked up in the West Forty-seventh street police station last night as "suspicious persons." They are believed by the police to have robbed a department store of several thousand dollars worth of stuff.

Detective Fitzpatrick of the West Forty-seventh street police station found the boys in a Ninth avenue pawnshop where they were trying to sell two new umbrellas. They couldn't account for having them, so Fitzpatrick took them to the station house. When they were searched a station house delivery boy was found on Hussey. The badge bore the name of the store and an employee was sent up by request of the police.

He said that several thousand dollars worth of stuff had disappeared from the store in the last few months and no trace had been found of the thieves. Hussey, according to the police, admitted that he had been employed at the place until ten days ago. He said that he worked as a delivery boy for a department store, and was made and the receipt signed he would rush back to the house and get the goods on the pretext that he had delivered the wrong bundle.

He refused to say how much he had carried away in this manner or to implicate any of the other boys. He said that all the other boys had taken out the same umbrella and the store's mark the charge against the boys was changed to larceny.

FAST ON LONG ISLAND SAND.

The Bodo, Fruit Laden, Has Four Passengers—They and Crew Safe.

AMITYVILLE, L. I., March 20.—In a blinding storm the Norwegian steamship Bodo, Capt. Larsen, from Jamaica for New York with a cargo of bananas, went ashore at 1:30 o'clock this morning a mile west of Hemlock Inlet, opposite this place. She lies broadside on far up on the sands. She is in no immediate danger and it is hoped that the new cargo is taken out she may be floated, although she is so far up on the shore that it is possible to walk almost out to her at low water dry shod.

She has four passengers and a crew of twenty-two men. The passengers are said to have been engaged on the work on the Panama Canal and to be on their way home. The crew left for New York for New York on March 15. The consignees are the Atlantic Fruit Company and the Fruit Auction company, which was built at Bergen, Norway, in 1884. She was formerly the Xenia. She is of 398 net tonnage. She is 181 feet in length, 28 feet beam and 11 feet in depth.

The Bodo sent a telegram to the Atlantic Fruit Company yesterday asking them to notify the immigration authorities of the four passengers who the Bodo carried and to find out what should be done with them. They are to be brought to New York by rail, where their cases will be taken in to try it again. Mr. Metcalf and the Merritt Wrecking Company has sent several tug down to the stranded vessel, but as yet no report has been received from them.

LAX METHODS IN YONKERS.

The Report of Mayor Coyne's Expert Accountant.

YONKERS, March 20.—Mayor Coyne tonight made public the report of Expert Accountant Thomas P. Ryan, who, with his assistants, has been at work on the city's books since Coyne became Mayor last December. The report shows that shortages exist in the City Clerk's accounts for the past four years amounting to about \$700. This, it is asserted, John H. Keeler, Jr., City Clerk in 1904-5, and Joseph H. O'Brien, City Clerk in 1902-3, have promised to make good.

The report will mean an entire revision of the fiscal system in Yonkers and changes in the office staff. Both Keeler and O'Brien have been in the City Clerk's office for years. Keeler is a Republican and O'Brien is a Democrat. Each has been City Clerk and assistant clerk. Both men have borne good reputations, and it is believed that neither is dishonest, but that both are lax in methods, and it is said they failed to turn over the day receipts to the City Treasurer as the city requires.

POSTUM CEREAL.

THE DOCTOR HABIT

And How She Overcame It.

When well selected food has helped the honest physician place his patient in sturdy health and free from the "doctor habit" it is a source of satisfaction to all parties. A Chicago woman says:

"We have not had a doctor in the house during all the 5 years that we have been using Grape-Nuts food. Before we began, however, we had 'the doctor habit' and scarcely a week went by without a call on our physician."

"When our youngest boy arrived, 5 years ago, I was very much run down and nervous, suffering from indigestion and almost continuous headaches. I was not able to attend to my ordinary domestic duties and was so nervous that I could scarcely control myself. Under advice I took to Grape-Nuts."

"I am now, and have been ever since we began to use Grape-Nuts food, able to do all my own work. The dyspepsia, headaches, nervousness and rheumatism which used to drive me fairly wild have entirely disappeared."

"My husband finds that in the night work in which he is engaged, Grape-Nuts food supplies him the most wholesome, strengthening and satisfying food he has ever taken with him. Name given by Postum Co., Battle Creek, Mich."

There's a reason. Read the little book, "The Road to Wellville," in pkgs.



Hale Desks
are not made
of iron, but
they wear
like it.

HALE DESK CO.,
15 STONE ST., next Produce Exchange.

MOB MOCKS SUPREME COURT.

LYNCHES A NEGRO AFTER A FEDERAL STAY WAS GRANTED.

Justice Harlan's Order Granting a Stay to a Negro Murderer Ignored—Supreme Court May Take Action—Tennessee Sheriff in Serious Trouble.

WASHINGTON, March 20.—The lynching at Chattanooga, Tenn., last night, of the negro, Ed Johnson, after an appeal had been granted him by the United States Supreme Court, is an act in contempt of that court probably without precedent in its history.

The court is not in session to-day, having taken a recess until April 2, and what action it will take, if any, will probably not be known until then.

After the court yesterday granted Johnson's appeal, the clerk of the Supreme Court notified the sheriff of Hamilton county, in whose custody the prisoner was, and Judge McReynolds, who tried him, of its allowance and directed the staying of the execution fixed for to-day and the retention of custody of the prisoner pending the hearing of the appeal.

Their attention was also called to the law covering such cases, which provides that all proceedings in or under the order of the State courts shall be suspended in the meantime, and they were also directed to notify Attorney-General Whitaker of the State of Tennessee to the same effect. It is not known here why application for an appeal was not made to Judge Clark of the United States Circuit Court for the Eastern District of Tennessee, who denied the application for a writ of habeas corpus. The law plainly provides for the allowance by the appeal judge of such appeals under circumstances like these. In his final order Judge Clark indirectly suggests that an appeal be taken, and he granted a stay of proceedings for ten days in which to perfect it, but at the same time he expressed some doubt whether it could be allowed.

Undoubtedly in view of the inflamed condition of public opinion over the case—there having already been a previous attempt to lynch Johnson—the allowance by the appeal judge of such appeals under circumstances like these. In his final order Judge Clark indirectly suggests that an appeal be taken, and he granted a stay of proceedings for ten days in which to perfect it, but at the same time he expressed some doubt whether it could be allowed.

The question of proceedings by the Federal Government against the leaders of the mob who lynched Johnson is being considered by the Department of Justice, but no conclusion has been reached. CHATTANOOGA, Tenn., March 20.—Ed Johnson was taken from jail by a mob here last night and hanged on a pole of the county bridge. He had been convicted of a railroading murder and was being held in jail, awaiting appeal. He was a native of Mississippi and was the son of a freed slave. His wife, Mary, was also in jail, awaiting appeal. The mob was led by a man named William Curtis, who was wounded in the shoulder. At 8:30 a commission store on West Ninth street was set on fire. Gasoline was put under the building in the rear. The blaze was extinguished with but little damage.

The funeral of Johnson is to be held tomorrow afternoon. The negroes are threatening to make a demonstration then. The Governor has been asked to keep the militia on duty all day.

SAID MAN SAT TOO CLOSE. Car Wasn't Crowded, So Mrs. Campbell Had Powlson Arrested.

An elderly man who said that he was Eugene Powlson was locked up in the Tenderloin police station last night charged with disorderly conduct. The complainant was Mrs. Catherine Campbell of 102 East Fifty-fourth street. She said that Powlson had annoyed her on a Broadway car by crowding against her on the seat where there was plenty of room.

When she objected, Powlson, she said, turned his back, but almost sat on her lap. His attentions became so annoying that when Thirty-fourth street was reached she called a policeman and had Powlson arrested.

METCALF ELUDED THEATRE MEN

Critic Saw Mansfield in "Don Carlos."—Despite the Watchful Employees.

James Metcalf, of Life, succeeded in getting into the New Amsterdam Theatre on Monday night in spite of the efforts of the management to keep him out. It had been rumored that Mr. Metcalf would be in hand to watch Mr. Mansfield's performance of "Don Carlos," and all the employees of the New Amsterdam were on the watch for him.

When it was learned that Mr. Metcalf was seated inside, an usher was sent to tell him that he would not be disturbed, but please not to try it again. Mr. Metcalf smiled and informed the usher that he would be back soon, and that next time he would notify the management when he intended to appear.

Mann Seeks to Quash Indictment. Col. William D. Mann was arraigned before Judge O'Sullivan in General Sessions yesterday for being indicted for the murder of Martin.

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E. Altman & Co.

COMMENCING THIS DAY (WEDNESDAY).

A SALE WILL BE HELD AT WHICH THERE WILL BE OFFERED THE